SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1934

The United States of America, Plaintiff,
vs.
The State of Oregon, Defendant. } Original No. 13

SUBMISSION OF THE REPORT OF THE SPECIAL MASTER.

To the Supreme Court of the United States:

I submit herewith my Report as Special Master, together with findings of fact, conclusions of law and recommended form of decree. A Supplement to the Report is attached.

The testimony of the witnesses (143) and the arguments of counsel, stenographically reported, are bound in four volumes.

The testimony and copies of certain Exhibits, arranged by the parties, according to subjects of proof (disregarding chronology in the taking of evidence), have been printed in two volumes entitled "Joint Abstract of Record", submitted herewith.

All the originals of the Exhibits, of which a list is attached, accompany the Report.

Respectfully submitted,

GARRET W. MCENERNEY,
Special Master.

San Francisco, July 28, 1934.

EXPLANATORY NOTE RESPECTING, AND LIST OF, EXHIBITS.

(a) Some of the Exhibits have been copied into the Joint Abstract of Record. These are indicated below by the reference "J. A. R.". The originals thereof will be found in a bound volume entitled "Original Exhibits which have been copied into the Joint Abstract of Record".

(b) Other Original Exhibits will be found in a locked loose-leaf binder. These are indicated below by the reference "Binder". The key to the Binder will be found in an envelope attached thereto.

(c) Original Exhibits consisting of survey plats and indemnity lists will be found in a bound volume entitled "Survey Plats and School Indemnity Lists", and are designated below by the reference "Binder".

(d) Original Exhibits consisting of field notes and the plats of the John H. Neal survey will be found in two unlocked loose-leaf binders in the Map Case, and these are noted below as in "Binder".

(e) All Exhibits too large or otherwise impracticable for inclusion in (a), (b) or (c), will be found in the Map Case, and these are indicated below by the reference "M. C.".

(f) The remaining Exhibits will be found in folders properly marked, and these are designated below by the reference "Folder".

PLAINTIFF'S EXHIBITS.

Exhibit Number	Description	Will be Found in
1.	Copy of Executive Order of August 18, 1908..	Folder
2.	Map of State of Oregon (same as Exhibit A to Bill of Complaint)	Binder
3.	Large contour map of Malheur Lake.....	M. C.
3-A	Large contour map of Malheur Lake in colors	M. C.
4.	Large contour map of Mud and Harney Lakes.	M. C.
4-A	Large contour map of Mud and Harney Lakes in colors	M. C.
5.	Map of Malheur and Harney Lakes giving location of obliques	Binder
6 to 18.	Photographs of Malheur and Harney Lakes...	Binder
19.	Aerial mosaic of Malheur Lake.....	M. C.
20.	Aerial mosaic of Harney Lake.....	M. C.
21.	Map of Lake Malheur Reservation showing patentees	M. C.
22.	Map of Lake Malheur Reservation showing present owners according to assessment rolls	M. C.
23.	Excerpts from report of Capt. Geo. B. Currey, in report of adjutant of the State of Oregon for year 1865-1866	J. A. R.
24.	Excerpts from report of Lieut. Joseph Dixon contained in Executive Document for the 2nd Sess. 37th Cong. 1861-1862, Vol. 2, p. 528	J. A. R.
25.	Map showing the routes traveled by the command of Major E. Steen, U. S. Dragoons....	M. C.
26.	Map of Oregon Territory by U. S. Ex., Charles Wilkes, Commander, 1841	Binder
27.	Map of Western States (1856).....	Binder
28.	Diagram of Oregon, W. W. Chapman, Surveyor General of Oregon, Sept. 30, 1860....	Binder
29.	Diagram of public surveys in Oregon, Surveyor General's Office, Eugene City.....	Binder

Exhibit Number	Description	Will be Found in
30.	Bancroft's Map of Oregon, Washington, Montana, and British Columbia.....	Binder
31.	Map of Oregon (1878), J. R. Gill & Co.....	Binder
32.	Map Department of Columbia, by Thomas W. Symons, Corps of Engineers, 1881.....	Binder
33.	Article and picture in Saturday Evening Post, dated February 9, 1927, by Edw. W. Nelson, Chief of U. S. Biological Survey.....	Folder
34.	Sketch map of journey of Peter Skene Ogden in 1826	Binder
35.	Map accompanying report of Capt. Wallen (1859)	Binder
36.	Photograph of Reinemann home.....	Binder
37.	Photograph	Binder
38.	Certified copy of instructions issued to John H. Neal	J. A. R.
39-A to 39-K.	Certified copies of field notes returned by John H. Neal	Binder
40.	Certified copy of plats of John H. Neal survey	Binder
41.	Excerpts from Manual of Surveying Instructions	J. A. R.
42. 43.	Excerpts from Proceedings of Boston Society of Natural History, letters by Capt. Charles Bendire	J. A. R.
44-A to 44-P.	Certified copy of field notes in connection with meander line survey of 1877.....	Binder
45-A to 45-L.	Plats of meander line around Harney Lake, and plats of meander line of 1877.....	Binder
46-A to 46-C.	Indemnity school selection lists, Lakeview Series, Nos. 1, 3, and 4.....	Binder
47.	Copy of map of portion of Harney County, used in connection with the adjudication of the waters of the Silvies River.....	Binder

Exhibit Number	Description	Will be Found in
48.	Water map	Binder
49.	Diagram	Binder
50.	Index map to all field notes	Binder
51.	Diagram Malheur Lake	Binder
52.	Report of Engineer Louie T. Jessup	Folder
53.	Appendix A to report of Jessup	Folder
54.	Appendix B to report of Jessup, photographs	Folder
55.	Computations of areas of Malheur, Mud and Harney Lakes	J. A. R.
56.	Report by Ganong showing present status of lakes listed on Defendant's Exhibit X-3	J. A. R.
57.	Map of Malheur Lake prepared by Mr. Dodge in 1916; with comment. . Map case, comment in	J. A. R.
58.	Supplement report by Jessup in answer to comments of Messrs. Cooper and Dodge on Jessup Report	J. A. R.
59.	Complete transcript of record in Cawlfield v. Smyth	J. A. R.
60.	Complete transcript of record in case of French-Glenn Live Stock Co. v. Alva Springer, on file in Clerk's Office, Supreme Court of the United States	Folder
61.	Excerpts from Plaintiff's Exhibit 60	J. A. R.
62.	Drainage basin map by F. F. Henshaw	Binder
63.	Map of Lake Malheur Reservation showing surveyed lands owned by the parties litigant, respectively (in colors)	M. C.

DEFENDANT'S EXHIBITS.

No.	Description	Will be Found in
X-1	Report on Malheur Lake, survey made by State Engineer of Oregon, March 12, 1923	J. A. R.
	Hydrograph accompanying report	Binder

No.	Description	Will be Found in
X-2	Comparison of bench marks on Defendant's Exhibit X-1. Prepared by Chester W. Pecore	J. A. R.
X-3	List of meander lakes in State of Oregon.....	J. A. R.
X-4	Memorandum with respect to certain decisions..	J. A. R.
X-5	Type of United States grants and patents.....	J. A. R.
X-6	Map of Cooper-Dodge survey of 1914.....	M. C.
X-7	List of elevations around lakes.....	J. A. R.
X-8	Gage readings by George M. Benson.....	J. A. R.
X-9	Statement by Messrs. Cooper and Dodge on Jessup Report	J. A. R.
X-10	Letter of Asst. Commissioner of General Land Office to Attorney General of Oregon.....	J. A. R.